



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
760-872-8211 Fax: 760-872-6109

May 29, 2013

Mr. Steve Nelson
Acting Field Manager
United States Department of the Interior
Bureau of Land Management
Bishop Field Office
352 Pacu Lane, Suite 100
Bishop, California 93514

Subject: Response to LADWP letter dated March 22, 2013 regarding Right-of-Way CACA 50145, and Placement of Air Monitoring Equipment, Owens Lake, Inyo County,

Dear Mr. Nelson:

Presented below is the Great Basin Air Pollution Control District's (District's) response to the objections raised in the letter received from Mr. Martin L. Adams of the Los Angeles Department of Water and Power (LADWP) to the United States Bureau of Land Management (BLM) regarding the relocation of a District air monitoring station, known as the "Dirty Socks" station, onto Bureau lands at the southern shore of Owens Lake. In order to clarify the context of this relocation, presentation of some background information is in order. In November 2012, the District received notice from LADWP (attached) that leases for three of the Districts air monitoring stations located on LADWP property, including the Dirty Socks station, had been canceled and the stations were to be removed within 30 days. The Dirty Socks station had been in operation on LADWP property since June 1999.

In December 2012, the District removed the three stations and began looking for new locations on non-LADWP property that would be representative of the same areas as the previous locations. Staff found suitable locations for two of the monitors on lands administered by the BLM, and a suitable location for the third monitor on land managed by the California State Lands Commission (CSLC).

District staff has determined that the proposed location of the Dirty Socks monitor onto BLM-administered federal land meets all of the criteria regulating the location of air quality monitoring stations as set forth in Title 40 of the Code of Federal Regulations, Part 58, Appendix E. In choosing this particular location, District staff has carefully assessed its compliance with the

applicable federal regulations and determined that the location meets all federal siting requirements for PM10 monitoring for the purpose of determining compliance with the National Ambient Air Quality Standards (NAAQS).

The proposed Dirty Socks air monitoring location is on BLM lands on which LADWP has right-of-way (ROW CACA 50145). This area is a current Dust Control Area (DCA), known as the "T5-1 Addition," that the LADWP is operating as part of the ongoing dust mitigation project on the Owens Lake Playa. The District is aware that there are buried drip lines and infrastructure located throughout the T5-1 Addition. District staff has been in contact with both LADWP Owens Lake operations staff and LADWP Power staff, both of which indicated the shelter, access road, and power line could be placed without any modification to, or interference with, the operation of the T5-1 Addition irrigation system.

The proposed Dirty Socks location is on top of a berm that is between two east-west oriented drip irrigation lines which are 80-feet apart. The District proposes to install gravel on the currently uncontrolled access road on top of the berm, with a maximum width of 12-feet. The pad for the station will also be gravel and will be 24-feet wide, north to south, or between the driplines, and 32-feet long, parallel to the driplines. All of these dimensions are well short of the 80-feet of clearance available between the two driplines parallel to the berm. The addition of the gravel would also mitigate any dust that might otherwise blow off of the top of the berm, as the berm has no vegetation or irrigation infrastructure on it.

Construction activities may generate some additional dust, particularly during the application of the gravel; however, the gravel will be placed before the station is set. Subsequent activities will take place on the gravel access road or pad, which will minimize any additional dust impacts. The application of the gravel, especially to the currently uncontrolled access road used by LADWP staff, will further mitigate dust emissions from the area. Installing the station on the berm will also allow the District to more closely monitor the effectiveness of the drip-irrigation/vegetation project on the T5-1 Addition.

The LADWP objects to the proposed location stating that it would be a violation of the 2008 *Owens Valley State Implementation Plan* (2008 SIP) to locate the site below the 3600-foot elevation Owens Lake regulatory shoreline. The 2008 SIP, however, states that monitors will be located at "shoreline and **near shore**" locations [emphasis added]. The proposed site is 500-feet south and 10-feet in elevation higher than the previous location and is 330-feet north of the south shoreline. The previous site was also "near" but below and inside the regulatory shoreline and was installed at a location recommended and approved via lease by LADWP.

The LADWP wrongly believes that the PM10 data collected from the station in the proposed location could not be used for NAAQS comparison since the data, "would undoubtedly be impacted by the ongoing dust control activities within the ROW, including operation and maintenance of the irrigation system and, therefore, [would be] an inaccurate reflection of actual PM10 emissions within the area." Dust emissions from maintenance activities or poorly maintained control areas could adversely impact the air quality in this area. The purpose of the Dirty Socks monitor in its proposed location is to monitor any uncontrolled emission sources and

also to ensure that those sources that are supposed to be controlled remain in compliance with the PM10 NAAQS and the legal requirements of the 2008 SIP.

In conclusion, the proposed new location of the Dirty Socks monitoring station meets all siting criteria for PM10 monitoring listed in Title 40 CFR Part 58, Appendix E; it is representative of conditions at the former location; and it is an appropriate site for PM10 monitoring. District staff recommends the BLM approve the District's request for a Right-of-Way for the proposed relocation of the Dirty Socks monitoring station to the southern shore area of the Owens Lake as specified in the District's previously submitted application.

Sincerely,

A handwritten signature in blue ink, appearing to read "T.D. Schade".

Theodore D. Schade, P.E.
Air Pollution Control Officer

Attachments:

- LADWP Letter to Ted Schade re: Notice of Partial Termination of License Agreement No. 850 (LA- 850)
- District Letter to EPA re: Site Closures (without attached LADWP letter)
- EPA response to site closures

cc: Matt Lakin, USEPA IX
Michael Flagg, USEPA IX
Martin L. Adams, LADWP
William Van Wagoner, LADWP

Department of Water and Power



the City of Los Angeles

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General Manager

November 29, 2012

Mr. Theodore D. Schade
Air Pollution Control Officer
Great Basin Unified Air Pollution Control District
157 Short Street
Bishop, California 93514-3537

Dear Mr. Schade:

Subject: Notice of Partial Termination of License Agreement No. 850 (LA-850)

Pursuant to LA-850, dated November 1, 2008, the Los Angeles Department of Water and Power (LADWP) granted the Great Basin Unified Air Pollution Control District (Great Basin) permission to access various lands owned by the City of Los Angeles (City) in order to construct, operate, and maintain certain air monitoring facilities and equipment. The facilities subject to LA-850 are described in Exhibits A and B of the agreement and include, among others, the following:

1. Air monitoring station (formerly subject to License Agreement No. 769), consisting of a prefabricated 8 x 8-foot cube structure (housing air monitoring equipment); a 33-foot tall meteorological tower adjacent to the cube structure; and a barbed-wire-topped 6-foot chain link fence surrounding the site on City-owned property located on Lot 2 (Inyo County Assessor's Parcel Number 29-260-05), in Section 34, Township 18 South, Range 37 East, Mt. Diablo Meridian, County of Inyo, State of California (Dirty Socks Monitor);
2. Air monitoring station (formerly subject to License Agreement No. 801) consisting of a prefabricated 8 x 8-foot equipment shed to house air monitoring equipment; a 33-foot tall meteorological tower located adjacent to the equipment shed; a 25 x 25 x 6-foot barb-wire-topped chain link fence surrounding the equipment shed; and a 915-MHz upper air radar profiler (RASS) enclosed by a 50 x 50 x 6-foot barb-wire-topped chain link fence, which will be located adjacent to the equipment shed enclosure. The air monitoring station shall be located on City-

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Mr. Theodore D. Schade
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owned property, known as the "Mill Site," situated in the northwest quarter of Section 15, Township 17 South, Range 38 East, Mt. Diablo Meridian, County of Inyo, State of California (Mill Site Monitor); and

3. Air monitoring station located on City-owned property situated in a portion of the north half of the northeast quarter of Section 16, Township 16 South, Range 37 East, Mt. Diablo Meridian, County of Inyo, State of California (North Beach Monitor).

For several years, Great Basin has used the data obtained from these monitors, which are identified in the Network Monitoring Plans submitted annually by Great Basin to the U.S. Environmental Protection Agency (EPA), to run its Dust I.D. Model and erroneously justify the issuance of numerous control orders requiring LADWP to install Best Available Control Measures (BACM) on areas surrounding Owens Lake. LADWP will no longer allow the use of its land to support Great Basin's biased efforts to impose sole responsibility for controlling dust in the Owens Valley on it. Furthermore, as EPA monitoring regulations require the presence of only one air quality monitor within the Owens Valley Planning Area (OVPA), Dirty Socks, Mill Site, and North Beach Monitors are not necessary to ensure compliance with any existing legal or regulatory requirements.

Therefore, pursuant to paragraph 12.1 of LA-850, which provides: "Regardless of the manner or duration of use or occupancy of said licensed area by Licensee, and regardless of the permanent character of any works or structures constructed or installed therein or thereon by Licensee, this License may be terminated at any time without cause for any reason or no reason at all in the option of the Department by giving 30 days' notice of termination," LADWP hereby formally notifies Great Basin of its intent to terminate Great Basin's rights under LA-850 to access, operate, and maintain Dirty Socks, Mill Site, and North Beach Monitors. LA-850 shall remain valid and enforceable as to all other facilities subject to the license, as identified in Exhibits A and B of the agreement.

In accordance with Paragraph 12.2, Great Basin is ordered to peaceably vacate and discontinue use of Dirty Socks, Mill Site, and North Beach Monitor sites and facilities within thirty days from the date of this letter, or December 29, 2012, and to comply with all provisions of Paragraph 12 in connection with its surrender of these sites.

Mr. Theodore D. Schade
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If you have any questions regarding this notice or LADWP's exercise of its rights under LA-850, please contact me at (213) 367-1014.

Sincerely,



Martin L. Adams
Director of Water Operations

WTV:jmm

c: Mr. Donald S. McGhie, Senior Real Estate Officer, LADWP

Theodore D. Schade
Air Pollution Control Officer



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 E-mail: tschade@gbuapcd.org

January 28, 2013

Ms. Deborah Jordan
US EPA Region IX (AIR-1)
75 Hawthorne Street
San Francisco, California 94105

Re: Discontinuance of SLAMS monitors at Dirty Socks, North Beach, and Mill Site

Dear Ms. Jordan:

Due to circumstances beyond the control of the Great Basin Unified Air Pollution Control District (District), last month PM₁₀ monitoring was discontinued at three of the District's key monitoring sites and the monitors were removed. The discontinued sites include Dirty Socks, North Beach, and Mill Site in the Owens Valley PM₁₀ nonattainment area. These monitoring sites were located on property owned by the City of Los Angeles (City) and leased to the District. As explained in the attached letter, the City terminated the District's leases at these three sites and ordered the District to remove the monitors by December 29, 2012. Because these PM₁₀ sites are designated as State and Local Air Monitoring Stations (SLAMS) and are used to develop and implement effective air pollution control strategies, the District is working to re-establish monitoring at nearby locations in accordance with 40 CFR 58.14 (c)(6):

A SLAMS monitor not eligible for removal under any of the criteria in paragraphs (c)(1) through (c)(5) of this section may be moved to a nearby location with the same scale of representation if logistical problems beyond the State's control make it impossible to continue operation at its current site.

These SLAMS monitors are not eligible for removal under 40 CFR 58.14 (c)(1) through (c)(5) because they have measured an average of between 4.4 and 19.0 PM₁₀ exceedances per year since they were installed (see table below). These monitoring sites are important components of the District's Dust ID monitoring network and are integral to the implementation of the PM₁₀ control strategy in the Owens Valley Planning Area. These sites are also important in the implementation of the Coso Junction PM₁₀ Maintenance Plan, which has been approved by the US EPA. Ultimately, these sites will be needed to demonstrate that the area has attained the standard.

Ms. Deborah Jordan , US EPA

January 28, 2013

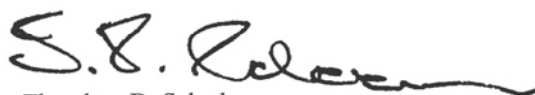
Therefore, in accordance with 40 CFR 58.14 (c)(6), the following SLAMS sites were discontinued and will be moved as expeditiously as possible to nearby representative locations.

Site Name	AQS Site Number	Start Date	Discontinued	Years in operation	Total Number of PM ₁₀ Violations	Ave. Violations per Year
Mill Site	06-027-0030	May 4, 2011	Dec. 26, 2012	1.6	7	4.4
Dirty Socks	06-027-0022	Jun. 1, 1999	Dec. 19, 2012	13.6	259	19.0
North Beach	06-027-0029	Nov. 25, 2008	Dec. 26, 2012	4.1	44	10.7

The District is in the process of securing the approvals required to re-establish monitoring at nearby locations within the same neighborhood scale distance (<1 km) from the former sites. The District is proposing to relocate the sites onto public land administered by the U.S. Bureau of Land Management (Dirty Socks and Mill Site) and the California State Lands Commission (North Beach). Mainly due to electric power supply (which is provided by the City's Department of Water & Power), the total estimated cost to move these sites and to provide electrical power to the three locations is about \$160,000. We will provide the coordinates for the new sites when we get permission from the land management agencies and have confirmed the location of the power drops.

Please call me or Chris Lanane at (760) 872-8211 if you have any questions regarding this matter.

Sincerely,



Theodore D. Schade
Air Pollution Control Officer

Attachment

cc: Matthew Lakin, US EPA
Michael Flagg, US EPA
Amy Zimpfer, US EPA
Sylvia Oey, CARB
Mike Miguel, CARB
Bernadette Lovato, US BLM
Colin Connor, CSLC
Martin Adams, LADWP

From: Lakin.Matthew@epamail.epa.gov
Subject: Potential site closures/relocations for GBUAPCD's Dirty Socks, Mill Site, and North Beach PM10 monitoring sites
Date: December 17, 2012 3:15:54 PM PST
To: "Ted Schade" <tschade@gbuapcd.org>
Cc: Flagg.MichaelA@epamail.epa.gov, Zimpler.Amy@epamail.epa.gov, "Chris Lanane" <clanane@gbuapcd.org>, "Duane Ono" <dono@gbuapcd.org>

Ted,

Thank you for notifying us of LADWP's partial termination of license agreement number 850, causing GBUAPCD to vacate and discontinue the Dirty Socks, Mill Site, and North Beach PM₁₀ sites by December 29, 2012. As you are aware, all three of these PM₁₀ sites are designated as SLAMS and cannot be shutdown or moved without EPA approval. Also, the shutdown of these sites without EPA approval may call into question whether the area is attaining the standard and could also impact the ability of GBUAPCD to develop appropriate emissions inventories and effective control strategies.

40 CFR 58.14 outlines the required process for the discontinuance of SLAMS monitors:

- 40 CFR 58.14 (c) State, or where appropriate, local agency requests for SLAMS monitor station discontinuation, subject to the review of the Regional Administrator, will be approved if any of the following criteria are met and if the requirements of appendix D to this part, if any, continue to be met. Other requests for discontinuation may also be approved on a case-by-case basis if discontinuance does not compromise data collection needed for implementation of a NAAQS and if the requirements of appendix D to this part, if any, continue to be met.
- 40 CFR 58.14 (c)(1) Any PM_{2.5}, O₃, CO, PM₁₀, SO₂, Pb, or NO₂ SLAMS monitor which has shown attainment during the previous five years, that has a probability of less than 10 percent of exceeding 80 percent of the applicable NAAQS during the next three years based on the levels, trends, and variability observed in the past, and which is not specifically required by an attainment plan or maintenance plan. In a nonattainment or maintenance area, if the most recent attainment or maintenance plan adopted by the State and approved by EPA contains a contingency measure to be triggered by an air quality concentration and the monitor to be discontinued is the only SLAMS monitor operating in the nonattainment or maintenance area, the monitor may not be discontinued.
- 40 CFR 58.14 (c)(2) Any SLAMS monitor for CO, PM₁₀, SO₂, or NO₂ which has consistently measured lower concentrations than another monitor for the same pollutant in the same county (or portion of a county within a distinct attainment area, nonattainment area, or maintenance area, as applicable) during the previous five years, and which is not specifically required by an attainment plan or maintenance plan, if control measures scheduled to be implemented or discontinued during the next five years would apply to the areas around both monitors and have similar effects on measured concentrations, such that the retained monitor would remain the higher reading of the two monitors being compared.
- 40 CFR 58.14 (c)(3) For any pollutant, any SLAMS monitor in a county (or portion of a county within a distinct attainment, nonattainment, or maintenance area, as applicable) provided the monitor has not measured violations of the applicable NAAQS in the previous five years, and the approved SIP provides for a specific, reproducible approach to representing the air quality of the affected county in the absence of actual monitoring data.
- 40 CFR 58.14 (c)(4) A PM_{2.5} SLAMS monitor which EPA has determined cannot be compared to the relevant NAAQS because of the siting of the monitor, in accordance with § 58.30.
- 40 CFR 58.14 (c)(5) A SLAMS monitor that is designed to measure concentrations upwind of an urban area for purposes of characterizing transport into the area and that has not recorded violations of the relevant NAAQS in the previous five years, if discontinuation of the monitor is tied to start-up of another station also characterizing transport.
- 40 CFR 58.14 (c)(6) A SLAMS monitor not eligible for removal under any of the criteria in paragraphs (c)(1) through (c)(5) of this section may be moved to a nearby location with the same scale of representation if logistical problems beyond the State's control make it impossible to continue operation at its current site.

Loss of lease generally qualifies as a logistical problem beyond the State's control, per 40 CFR 58.14 (c)(6). We would need additional information to determine whether any of the other provisions apply. If 40 CFR 58.14 (c)(6) were used as the basis for approval, the current sites must be replaced with sites of the "same scale of representation," which generally means that the replacement site must represent the same conditions and sources as the previous site. Given that each of your sites captures its own combination of sources and controls from portions of Owens Lake, this may require substantial analysis once a new site is established. Monitoring agencies generally pursue a period of parallel monitoring, where both the existing and replacement sites are operated simultaneously to establish that the new site represents the same conditions as the previous site. While this may not be possible in your case, we strongly encourage efforts to maintain the current sites until adequate replacement sites can be established, allowing time for this comparison.

We will continue to work with you and your staff on the appropriate path forward. Please let me know if you have any questions.

Matt

Matthew Lakin, Ph.D.
Manager, Air Quality Analysis Office
US EPA, Region 9 (AIR-7) | 75 Hawthorne St. | San Francisco, CA 94105
P: 415.972.3851 | E: Lakin.Matthew@epa.gov